IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/08/2002

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THE NON'BLE MR. JUSTICE D. MURUGESAN

Crl.O.P.No.20981 of 2002

Jude P. Rayan ..... Petitioner

-Vs-

The State by
The Inspector of Police,
Contonment Police Station,
Tiruchirappalli. ..... Respondent

For Petitioner : K.M. Vijayan

For Respondent : Mr. Abudukumar Rajarathinam
Govt Advocate, (Criminal Side)

:ORDER
The petitioner is a practising lawyer at Tiruchirappalli and a member of the Tiruchirappalli Bar Association. An F.I.R. has been registered in Crime No.1194 of 2002 dated 21.8.2002 on the complaint given by one S.Ranganathan, Personal Assistant to the learned Principal District Judge, Tiruchirappalli. According to the complainant, he was discharging his duties from 9.30 a.m. onwards on 21.8.2002. The learned Principal District Judge entered into the Court hall and sat on the chair exactly at 10.30 a.m. While the Court proceedings were on, 50 lawyers belonging to the Tiruchirappalli Bar Association entered into the Court hall shouting slogans like "Judge down" "ePjpgjp xHpf". The police personnel present at the entrance of the Court hall made an attempt to prevent the violent lawyers from entering into the Court hall. Despite the same, the lawyers forcibly opened the doors, broke the glass panes and physically prevented the learned Principal District Judge from discharging his judicial function s. The Principal District Judge and the staff had to take their shelter fearing danger to life. They also went around all the other Court halls and prevented the other Judicial Officers and the staff from discharging their duties. In fact, the lawyers wrongly confined the Judicial Officers by locking the doors of the Court halls. Apprehending danger to life, the Judicial Officers retired to their respective chambers. The lawyers further locked the doors of the chambers of the Judicial Officers and confined them inside the chambers. Based upon the complaint, the F. I.R. was registered for the offences under Sections 147, 342, 341, 353 read with Section 3 of the Tamil Nadu Property (Prevention of

Damage and Loss) Act, 1992. Based on a preliminary i nvestigation, 20 lawyers were identified, among others, as having indulged in the above said act. The petitioner was also identified as one of the accused and was arrested on 23.8.2002.

2. When this application was taken up for hearing on 27.8.2002, Mr.K.M.Vijayan, learned senior counsel appearing for the petitioner fairly submitted that he does not want to argue the case on merits as the lawyers should follow rule of law and no seal of approval could be given to the untoward incident that happened on 21.8.2002. However, he submitted, only in order to put an end to the entire controversy and also to defuse the situation, the petitioner should be enlarged on bail.

3. Mr.K.Abudukumar Rajarathinam, learned Government Advocate (Criminal Side) , on the other hand, while strongly opposing the bail application submitted that the petitioner and 50 other lawyers gatecrashed the Court halls by damaging the doors and glas s panes, prevented the Judicial Officers and the staff from discharging their duties. In fact, the life of Judicial Officers were at threat. The Judicial Officers had to take shelter for safety reasons. He also submitted that not only the Court halls were locked but also the chambers of the Judicial Officers, confining them inside the chambers. Preliminary investigation revealed the involvement of the petitioner and other 20 identified lawyers and the investigation is at the very early stage and tha t the other identified lawyers are yet to be apprehended. He further submitted that after the incident at Tiruchirappalli, similar incidents of attack of Court halls have been reported from Madurai and Tirunelveli Courts also. He therefore, submitted t hat considering the seriousness of the offence and also the fact that the investigation is pending, the petitioner should not be enlarged on bail.

4. In reply to the above submission, Mr.K.M.Vijayan, learned senior counsel submitted that he will persuade the President of the Tiruchirappalli Bar Association to furnish an undertaking regretting all that had happened and also to avoid recurrence of such incident in future. To enable to get instructions in this regard, the learned senior counsel wanted time and requested the matter to be posted today. Accordingly, the matter was listed and was heard today.

5. The learned senior counsel today filed a letter from the President of the Tiruchirappalli Bar Association undertaking on behalf of the Bar to maintain dignity and decorum of the Bar and assured that no untoward incident would recur in future.

6. I have given my due consideration to the rival submissions. The offences said to have been committed by the petitioner and other lawyers are very serious. A handful of lawyers had indulged in act of violence by interfering and preventing both the Judicial Officers and the staff from discharging their functions. Further, when they were stopped from entering into the Court hall by the police personnel, they had forcibly entered into the Court hall by damaging the doors and glass panes. The Judi cial Officers were made to retire to their chambers fearing threat to life. The staff also had to find their way out of the work place for the same

reason. That apart, the lawyers had not only locked the Court halls but also the chambers of the Judicia l Officers by keeping them inside. The complaint is by none other than the Personal Assistant to the learned Principal District Judge. In my considered view, the charges levelled against the petitioner are very serious and would certainly amount to int erference of judicial administration. It would amount to interference in the functions of the justice rending machinery. An attempt has been made to shatter the entire judicial system by the act of the petitioner and other identified lawyers. Judicial system which is one of the pillars of the democracy, cannot be allowed to be shattered under the guise of boycott or otherwise. Such serious acts of the lawyers cannot be taken lightly merely because an affidavit of undertaking is voluntarily furnished before this Court by the President of the Tiruchirappalli Bar Association. Considering the gravity of the offence and the threat aimed at the judiciary and the judicial system, I am unable to accept the contention of the learned senior counsel that in order to put an end to the controversy and also to defuse the situation, bail shall be granted. The above said submission cannot weigh in favour of the petitioner under the given circumstances of the charges as disclosed in the F.I.R. The other identif ied lawyers are yet to be apprehended and the investigation is under the preliminary stage. Further investigation alone will disclose the further seriousness of the offence. Hence, I am not inclined to enlarge the petitioner on bail at this stage. Ac cordingly, the petition is dismissed.

28.08.2002

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D.MURUGESAN, J.

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